

Senate Bill 428

By: Senators Chapman of the 3rd, Unterman of the 45th, Harp of the 29th, Staton of the 18th,
Hudgens of the 47th and others

A BILL TO BE ENTITLED

AN ACT

To amend Part 1 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to the Jekyll Island—State Park Authority, so as to define certain terms; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to the Jekyll Island—State Park Authority, is amended by revising Code Section 12-3-231, relating to definitions, as follows:

"12-3-231.

As used in this part, the term:

(1) 'Active use areas' means areas used for outdoor recreation.

(1) 'Authority' means the Jekyll Island—State Park Authority created by this part.

(1.1) 'Average income' means the state-wide average wages of workers for all industries, as most recently determined and reported by the Georgia Department of Labor.

(1.2) 'Beach' has the meaning provided by Code Section 12-5-232.

(2) 'Bonds' or 'revenue bonds' means any bonds issued by the authority under this part, including refunding bonds.

(3) 'Cost of the project' means the cost of construction; the cost of all lands, properties, rights, easements, and franchises acquired; the cost of all machinery and equipment; financing charges; interest prior to and during construction and for one year after completion of construction; cost of engineering; architectural and legal expenses, cost of plans and specifications, and other expenses necessary or incident to determining the feasibility or practicability of the project; administrative expense; and such other expenses as may be necessary or incident to the financing authorized by this part, the construction of any project, the placing of the same in operation, and the condemnation of property necessary for such construction and operation. Any obligation or expense incurred for any of the foregoing purposes shall be regarded as a part of the cost of the

1 project and may be paid or reimbursed as such out of the proceeds of revenue bonds
2 issued under this part for such project.

3 (3.1) 'Develop' means to expend money so as to make land suitable for commercial,
4 residential, recreational, industrial, agricultural, institutional, or transportation purposes.

5 (3.2) 'Development' means the act, process, or result of developing.

6 (3.3) 'Environmentally sensitive' means dunes, marshlands, maritime forests, significant
7 foraging and nesting sites for birds, sea turtle nesting sites, and any habitats as certified
8 by the department as containing species that have been listed as either endangered or
9 threatened under the federal Endangered Species Act of 1973, as amended. Such term
10 shall also include any additional areas that the authority deems to be environmentally
11 significant and in need of protection.

12 (3.4) 'Facility' means something that is built, installed, or established to serve a particular
13 purpose.

14 (3.5) 'Free and open' means without any fee for entry, use, or exit; essentially
15 unimproved and designated and reserved exclusively for enjoyment by the general public;
16 and readily accessible to the general public by means of pedestrian-only public rights of
17 way that lead directly from public roads or public parking areas.

18 (3.6) 'Historically sensitive areas' means the Jekyll Island Club National Historic
19 Landmark District. Such term shall also include any additional areas that the authority
20 deems to be historically or archeologically significant and in need of preservation.

21 (3.7) 'Improve' means to increase the value of land by making it more useful for humans,
22 including but not limited to cultivation or the addition of facilities.

23 (3.8) 'Lowest rates reasonable and possible' means that:

24 (A) The annual average daily rate, not including taxes, charged for at least 70 percent
25 of all rooms in all new hotels and motels on the island that are offered for rent to the
26 general public does not exceed the annual average daily rate, not including taxes,
27 charged for a lodge room of the same occupancy among all the following state parks
28 and lodges in the state park system constituted by Code Section 12-3-31: Amicalola
29 Falls, George T. Bagby, Little Ocmulgee, Red Top Mountain, and Unicoi. As used in
30 this subparagraph, the term 'all new hotels and motels' means all hotels and motels
31 constructed on or after the effective date of this paragraph, including but not limited to
32 any hotels or motels constructed to replace hotels or motels that existed previously on
33 the same site; and

34 (B) Park user fees, if any, do not exceed the highest fees charged for similar uses at
35 state parks in the state park system constituted by Code Section 12-3-31.

(4) 'Master plan' means that document to be created under the auspices of and adopted by the authority of Jekyll Island and as it may be amended from time to time pursuant to Code Section 12-3-243.1.

(5) 'Park' means present and future parks, parkways, park and recreational resources and facilities of the state or any department, agency, or institution of the state, and any such facility constituting part of the State Parks System and shall specifically include Jekyll Island State Park.

(6) 'Project' means any subdivision, hotel, cottage, apartment house, public building, school, utility, dock, facility, watercourse, airport, bridge, golf course, tennis court, or other resort recreational facility. This term also means one or a combination of two or more of the following: buildings and facilities, and all other structures, electric, gas, steam, water, and sewerage utilities and facilities of every kind and character deemed by the authority to be necessary or convenient for the efficient operation of any department, board, commission, authority, or agency of the State of Georgia.

(7) 'Self-supporting' means to make financially independent by generating sufficient income as to cover the costs of operation."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.